

<p>Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address</p> <p>Robert P. Goe, SBN 137019 Brandon J. iskanderm SBN 300916 GOE FORSYTHE & HODGES LLP 17701 Cowan, Suite 210, Buidling D Irvine, CA 92614 Phone: (949) 798-2460 Fax: (949) 955-9437 Email: RGoe@goeforlaw.com Blskander@goeforlaw.com</p> <p><input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Porminence Capital Partners</p>	<p>FOR COURT USE ONLY</p>
<p style="text-align: center;">UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - RIVERSIDE DIVISION</p>	
<p>In re:</p> <p>JARED HUNTER SCARTH,</p> <p style="text-align: right;">Debtor(s).</p>	<p>CASE NO.: 6:23-bk-10960-WJ CHAPTER: 13</p> <p style="text-align: center;">APPLICATION FOR ORDER SETTING HEARING ON SHORTENED NOTICE [LBR 9075-1(b)]</p>

1. Movant applies under LBR 9075-1(b) for an order setting a hearing on shortened notice on the following motion:

- a. Title of motion: MOTION TO DISMISS CHAPTER 13 PROCEEDING FOR BAD FAITH FILING
- b. Date of filing of motion: 3/17/2023

2. Compliance with LBR 9075-1(b)(2)(A): (***The following three sections must be completed***):

- a. Briefly specify the relief requested in the motion:
Dismissal of the case with a 180-day bar from refiling.

- b. Identify the parties affected by the relief requested in the motion:

Debtor and Prominence Capital Partners (Movant)

- c. State the reasons necessitating a hearing on shortened time:

This is a bad faith filing and a foreclosure sale has been postponed to March 28, 2023.

3. Compliance with LBR 9075-1(b)(2)(B): The attached declaration(s) justifies setting a hearing on shortened notice, and establishes a *prima facie* basis for the granting of the motion.
4. Movant has lodged a proposed Order Setting Hearing on Shortened Notice on mandatory form F 9075-1.1.ORDER .SHORT.NOTICE

Date: 3/17/2023

GOE FORSYTHE & HODGES LLP

Printed name of law firm

/s/Robert P. Goe

Signature of individual Movant or attorney for Movant

Robert P. Goe

Printed name of individual Movant or attorney for Movant

DECLARATION OF CHRISTOPHER TUROCI

I, Christopher Turoci, declare and state that I am an individual over 18 years of age. Except where otherwise stated, I have personal knowledge of the facts set forth below and, if called to testify, I could and would testify competently thereto. I make this declaration in support of the *Application for Order Setting Hearing on Shortened Notice* (“Application”) with respect to the *Motion to Dismiss Chapter 13 Proceeding for Bad Faith Filing* (“Motion”).

1. I am the manager of Prominence Capital Partners, LLC, the Movant.

2. On November 18, 2022, Movant through First American Title Insurance Company recorded and served on the Debtor a Notice of Default and Election to Sell Under Deed of Trust.

3. On February 14, 2023, Movant through First American Title Insurance Company recorded and served on the Debtor a Notice of Trustee’s Sale with a foreclosure auction scheduled for March 14, 2023 at 9:00 a.m.

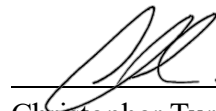
4. Even though Debtor filed a state court action seeking an injunction against the foreclosure, which was set for hearing on March 14, 2023 at 9:00 a.m., Debtor instead filed a skeletal Chapter 13 petition in the twilight hours of March 14th.

5. The foreclosure auction has been rescheduled for March 28th.

6. For the reasons set forth in the accompanying Motion, I believe that the Chapter 13 case filed by the Debtor is in bad faith and Movant requests immediate consideration of dismissal with a 180-day bar on refile as an appropriate remedy.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 17, 2023 at Glendora, California.



Christopher Turoci

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
17701 Cowan, Suite 210, Building D, Irvine, CA 92614

A true and correct copy of the foregoing document entitled: **APPLICATION FOR ORDER SETTING HEARING ON SHORTENED NOTICE [LBR 9075-1(b)]** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* 03/17/2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- Rod Danielson (TR) notice-efile@rodan13.com
- Robert P Goe kmurphy@goeforlaw.com, rgoe@goeforlaw.com;goeforecf@gmail.com
- Benjamin Heston bhestonecf@gmail.com, benheston@recap.email,NexusBankruptcy@jubileebk.net
- Valerie Smith claims@recoverycorp.com
- United States Trustee (RS) ustpregion16.rs.ecf@usdoj.gov

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On *(date)* 03/17/2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

- Debtor – Jared Hunter Scarth, 31222 Mangrove Drive, Temecula, CA 92592-4176

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* 03/17/2023, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

- The Honorable Wayne Johnson, USBC, 3420 Twelfth Street, Suite 384, Riverside, CA 92501

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

03/17/2023 Kerry A. Murphy /s/Kerry A. Murphy
Date *Printed Name* *Signature*